

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BETANCOURT PROPERTIES MANAGEMENT CORP.
and RENEWAL ARTS REALTY CORP.,

Plaintiffs,

**NOTICE OF CROSS- MOTION
CASE NO. 07-cv-11047 (TPG)**

**Hon. Thomas P. Griesa
Ret: April 30, 2008**

-against-

SIMPLEX GRINNELL LP a/k/a and/or d/b/a
SIMPLEX GRINNELL or TYCO/FIRE &
SECURITY/SIMPLEX GRINNELL,

Defendants.

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S I R S :

Upon the annexed Declaration of BRIAN M. LIMMER, ESQ.
dated the 23rd day of April, 2008; the Declaration of Jose
Betancourt, President of the Plaintiff Corporations sworn to on the
23rd day of April, 2008; and upon all of the proceedings had herein,
the Plaintiff will Cross- Move this Court on the 30th day of April,
2008 at 9:30 a.m. or as soon thereafter as counsel may be heard for
an Order seeking leave to add the following allegations to their
Third Cause of Action as follows:

- A. Defendant, its agents, servants and/or employees,
throughout the scope of the entire project, made false,
misleading and fraudulent representations to Plaintiffs
by and through Jose Betancourt, his agents, servants
and/or employees, stating that Defendant was performing
correctly and timely to accomodate the agreement between
the parties; that materials and labor had been expended
to fabricate the project and/or correct defects when it
was not; that Defendant knew or should have known that

its representations were false, misleading and fraudulent all in an effort to obtain unwarranted payments of money from the Plaintiffs.

- B. The Defendant made the aforesaid representations which were material, false, misleading and which were relied upon by the Plaintiff to the actual and/or potential detriment of the Plaintiff.
- C. That the Defendant knew or should have known that the aforesaid representations were false, misleading, material and would be relied upon by the Plaintiff to the actual or potential detriment of the Plaintiff;

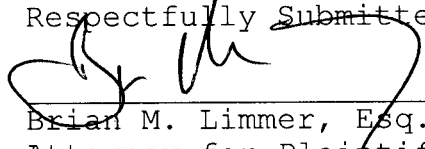
and for such other and further relief as this Court may deem just, proper and equitable.

The granting of the aforementioned relief shall not cause any prejudice to the Defendant.

Dated: Mineola, NY
April 23, 2008

Respectfully Submitted,

BY:



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